

REMARKS

Reconsideration of this application is respectfully requested.

This response is submitted in response to the Final Office Action mailed January 13, 2005, to request reconsideration of the rejection of claims 1-17 as set forth therein.

In the Office Action, the Examiner rejects claims 1-17. Claims 1-17 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,044,275 to Boltz et al. (hereinafter "Boltz") in view of the newly cited reference of U.S. Patent No. 6,654,790 to Ogle et al. (hereinafter "Ogle").

In the response to the previous Office Action, independent claims 1, 6 and 11 were amended to recite selecting between setting a short mail service and setting another type of mail as the character mail. The Examiner concedes the original cited reference of Boltz in the previous rejection of the claims does not teach this feature, but alleges that this feature is taught by the newly cited reference of Ogle.

Ogle teaches that a user can register one or more alternative message delivery mechanisms in instant message systems, such as pagers, cell phones, etc. Thus, a person sending an instant message using an instant messaging system can send the instant message over an intended recipient's pager, cell phone, etc., if the intended recipient is not available online on the instant message system.

The present invention, on the other hand, provides for a transmission time setting means for selecting between setting a short mail service and setting another type of mail as the character mail. Therefore, a user can choose between using an instant messaging system (SMS) and choosing between using another type of character mail. Independent claims 1, 6 and 11 specifically recite this feature of allowing a user to choose between an SMS system and another type of system. Dependent claims 15-17 specifically recite that this other type of character mail

is a packet, thus using packet transmission. Transmitting between an instant messaging system is different from using packet transmission as used in IP systems. The present invention allows the user to choose between the two.

As shown in Figs. 6-7, a transmission time setting means 142 (STEP S601) opens a transmission time setting screen allows a user to select between setting the SMS (STEP S602) or setting another type of mail, such as the packet (STEP S603). In case that "1" is selected on this screen and the SMS is selected (STEP S602: Yes), an SMS transmission time setting screen like Fig. 7B is opened (STEP S604), and SMS transmission time is set (STEP S605), and the setting is completed (STEP S606). Here, in case that the SMS transmission time is not set (STEP S602: No), the setting screen ends (STEP S609).

In case that "2" is selected on the transmission time setting screen of Fig. 7A and the packet is selected (STEP S603: Yes), a packet transmission time setting screen like Fig. 7B is opened (STEP S607), and packet transmission time is set (STEP S608), and the setting is completed (STEP S606). In case that the packet transmission time is not set (STEP S603: No), the setting screen ends (STEP S609). After the transmission time is set, using the mail generating means 141, mail to be transmitted is generated (STEP S610). After the mail generation is completed and when transmission is selected (STEP S611), the kinds of mails are discriminated (STEP S612), and in case that the transmission time is already set (STEP S613: Yes), a selection screen is displayed (STEP S614).

Ogle, however, only teaches that a user can deliver an instant message to the recipient if the recipient is online, or to their cellular phone or pager if the recipient is not online. Thus, Ogle only teaches using an instant messaging system, and never discusses another possible delivery system. The user in Ogle only has the option of delivery of the message to another electronic device; the user is not able to choose between setting a short mail service and setting

another type of mail as the character mail, such as a packet transmission. The present invention allows the user to select between the two.

The cited reference of Boltz further does not teach this feature; Boltz teaches allowing a mobile subscriber to define a date and time of delivery for a message sent by the mobile subscriber to another mobile subscriber. The date and time delivery information of a message is sent to a message service center along with the message, where it is be stored until the requested time of delivery. However, Boltz never teaches selecting between setting a SMS or another type of mail, such as a packet, as recited in the independent claims of the present invention.

It has been held by the Courts that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The cited references of Boltz and Ogle, individually or in combination, fail to teach or even suggest choosing between setting a short mail service and setting another type of mail as the character mail, such as a packet transmission, as provided in independent claims 1, 6 and 11.

Accordingly, Applicant respectfully submits that the obviousness rejection of the independent claims is improper. Further, Boltz and Ogle, individually or in combination, also fail to teach the elements of or make obvious the dependent claims, which recite additional unique elements and/or limitations. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-17, and respectfully requests allowance of claims 1-17.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's

attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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